

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE**

In conducting operations associated with this lease, the lessee/operator must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior.

All matters related to this *notice* are to be addressed

to: Forest Supervisor, Briger-Teton National Forest

at: P.O. Box 1888, 340 N. Cache
Jackson, WY 83001

Telephone: 307-739-5500

who is the authorized representative of the Secretary of Agriculture.

CULTURAL RESOURCES (36 CFR 228.108(d) & 228.12(c)(5)): The authorized officer is responsible for ensuring that the leased lands are examined prior to undertaking any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, unless notified to the contrary by the Forest Service, the lessee or operator shall:

1. Contact the Forest Service to determine if a site-specific cultural resource inventory is required.
2. If a survey is required, the lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation that may result from environmental considerations.
3. Implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by FS and BLM.

THREATENED OR ENDANGERED SPECIES (36 CFR 228.108(f) & 228.112(c)(4)). The Forest Service is responsible for ensuring that the leased land is examined prior to any surface-disturbing activities to determine potential effects upon any threatened, endangered, or candidate plant or animal species or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

THIS NOTICE APPLIES TO ALL FOREST SERVICE PARCELS.

The lessees/operators may, unless notified by the Forest Service that the examination is not necessary, conduct the examination on the leased lands at their discretion and cost. This examination must be done by, or under the supervision of, a qualified resource specialist approved by the Forest Service.

FLOODPLAINS AND WETLANDS (36 CFR 228.108(i)): The Forest Service is responsible for ensuring compliance with Executive Order 11988, "Floodplain Management", and Executive Order 11990, "Protection of Wetlands", should any floodplain or wetland exist on the leased land.

Ground disturbing activities in the area of identified floodplain or wetland may be restricted, avoided, or precluded in order to preserve, restore, or enhance the natural and beneficial values served by these areas. Occupancy and use of lands within riparian or wetland areas, as proposed in a Surface Use Plan of Operations, will be considered in an environmental analysis, and additional mitigation measures may be required when deemed necessary to protect these areas.

NOTICE

Endangered or Threatened Species – The lease area may contain habitat necessary for the continued existence of the threatened and endangered species listed below, which are protected by the 1973 Endangered Species Act (as amended).

The FS is responsible for ensuring that the leased land is examined through a biological evaluation, prior to undertaking any surface-disturbing activities, to determine effects upon any plant or animal species listed or proposed for listing as endangered or threatened, or their habitats. The finding of this biological evaluation may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the 1973 Endangered Species Act (as amended), by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator may, unless notified by the FS that the biological evaluation is not necessary, conduct the evaluation on the leased lands at his discretion and cost. This biological evaluation must be done by or under the supervision of a qualified resource specialist approved by the FS. An acceptable report must be provided to the FS identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

If proposed, threatened, or endangered species are discovered in the area after any required biological evaluation has concluded, an evaluation will be conducted to assess the effect of ongoing and proposed activities. Based on the conclusion drawn in the evaluation, additional restrictions or prohibitions may be imposed to protect the species or their habitats.

The following proposed, threatened and endangered species and their habitats are known to occur or can be expected to occur within this leaseholding, or may be affected by activities conducted within this leaseholding. The potential effects upon any other Federally classified threatened or endangered species discovered during the biological evaluation also must be addressed.

Whooping Crane

The lessee/operator shall take such measures as may be required by the authorized officer, Forest Service, to protect such species.

THIS NOTICE APPLIES TO FOREST SERVICE PARCEL(S): WY-0410-156, WY-0410-157, WY-0410-158, WY-0410-159, WY-0410-160, WY-0410-166, WY-0410-167, WY-0410-168, WY-0410-169, WY-0410-170, WY-0410-171, WY-0410-176, WY-0410-179, WY-0410-182, WY-0410-183, WY-0410-184.